IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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Writ Petition No.3358 of 2005

Meenakshi D Koli ..Petitioner
vs
State of Mah and ors .respondents

Mr R.K.Mendadkar for petitioner
Mr C R Sonawane AGP for State

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ

Dated l3.7.2005

P.C:

. Heard learned counsel for the parties. Perused the order of the Scrutiny Committee. In all 25 documents were produced by the petitioner before the Scrutiny Committee in support of her caste claim out of which documents at srl nos l,6,8,l0 and 27 are caste certificates issued to the candidates and relations and they cannot be treated as primary evidence of the caste. Documents at srl nos.2,3,7,9,ll to l7, l9,22 and 24 are school leaving and college leaving certificates of petitioner and her relations.All the documents except srl no. 22 pertain to the period after the issuance of first Presidential Order. The document at srl no. 22 is school leaving certificate of one Gangaram Koli. Petitioner has,however, failed to establish her relationship with said Gangaram Koli.

. The birth extract of the father of the petitioner which is produced at srl no. 5 shows the caste of petitioner’s father as "Koli" . The caste "Koli" is different and distinct from Scheduled Tribe Mahadeo Koli and is declared as OBC by the State of Maharashtra. The said birth extract is of l945 and carries great probative value . The Scrutiny Committee was right in holding that when the petitioner’s father’s caste is Koli, petitioner cannot claim as belonging to Mahadeo Koli Scheduled Tribe. We do not see any ground to interfere with the order of the Scrutiny Committee. Petition is dismissed.